

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.203/2017
and
ORIGINAL APPLICATION No.833/2016

This Thursday the 4th day of July, 2019

CORAM:- R.Vijaykumar, MEMBER (A).
Ravinder Kaur, MEMBER (J).

1. Anil Machhindra Thakare
Aged-30 years,
Occ. Unemployed,
Residing at Irrigation Colony,
Post:Mukindpur, Taluka:Newasa,
District:Ahmednagar, Pin:414 603.
2. Shivraj Ramesh Mohite
Aged 25 years, Occ: Unemployed,
Residing at: Sherewadi,
Post Office-Dhaval, Phaltan, Satara.
3. Parmeshwar Maruti Haul
Aged 24 years, Occ: Unemployed
Residing at:Somegaon,
Taluka:Usmanabad, Dist:Usmanabad.
4. Sattatraya Waman Kharwade
aged 28 years, Occ:Unemployed,
Residing at:Vitthal Mandir Ward,

Chandrapur-442 402.

5. Saudagar Shrimant Chavan,
Aged 27 years, Occ:Unemployed,
Residing at:Gopalwadi,
Post:(K) Tadvale,
District:Osmanabad, Pin-413 405.

6. Rahul Keshav Jadhav,
Aged 27 years, Occ:Unemployed,
Residing at:At/PO-Lonigavli,
Tal.Mehkar, Dist. Buldhana.

(Applicants in OA No.203/2017)

(Applicants by Advocate Sh.V. M. Parkar)

versus

1. Union of India,
Through Secretary,
Department of Post,
Dak Bhavn, Sansad Marg,
New Delhi-110001.
2. The Chief Postmaster General,
Maharashtra Circle,
having its office at post &
Telegraph Office Building,
C.S.T. Mumbai-400 001.

3. The Senior Superintendent of Post
Offices Shrirampur Division,
having its office, Shrirampur-413 009
(State of Maharashtra).
4. The Senior Superintendent of Post
Offices, Solapur Division,
having its office,
Solapur-413 001.
(State of Maharashtra)
5. The Superintendent of RMS,
"BM" Division, Miraj-416 410.
State of Maharashtra.
6. The Senior Superintendent of
Post Offices, Pandharpur Division,
having its office at,
Pandharpur 413 304.
(State of Maharashtra).

(Respondents in OA No.203/2017)

(Respondents by Advocate Sh. V. S. Masurkar)

AND

1. Bibhishan Vasantrao Late
Aged: 44 years,
Occ: Unemployed,

Residing at 215, Siddhuvihar,
Jule Solapur, Vijapur Road,
Solapur, District-Solapur.

2. Rahul Maroti Mathankar,
Aged: 26 years, Occ: Unemployed,
Residing at Borgaon, Post: Chargaon,
Taluka: Warora, District: Chandrapur-442 906.
3. Nitin Siddheshwarrao Sawale
Aged: 22 years, Occ: Unemployed,
Residing at & Post: Tonglabad,
Taluka: Daryapur, District-Amravati.
4. Swapnil Anil Sawant
Aged 23 years,
Occ: Unemployed,
Residing at & Post-Limb,
Taluka: Satara, District: Satara.
5. Santosh Malhari Shende
Aged 27 years,
Occ: Unemployed,
Residing at & Post: Shinganapur,
Taluka: Man, District-Satara.
6. Yogesh Mohan Rakshe
Aged: 28 years,

Occ: Unemployed,
Residing at & Post Vathar Kiroli,
Arvi Roadmalavari, Ambamata, Indira
Niwas, Taluka: Koregaon, District: Satara.

7. Atul Baban Gore,
Aged: 28 years, Occ: Unemployed,
Residing at: 51, Kamathipura, Satara,
District: Satara.
8. Santosh Soma Sabale,
Age: 24 years, Occ: Unemployed,
Residing at Undekhadak, Nimgiri,
District-Pune.
9. Deepak Dattatraya Pote,
Aged: 25 years, Occ: Unemployed,
Residing at: 1045, Vishal Sahyadri Society,
Sahakar Nagar No.1, Padmavati,
Pune-411 009.
10. Namdev Vishwanath Damle
Aged: 26 years, Occ: Unemployed,
Residing at: GHR, 917, Post:Pethwadaj,
Navi Abadi Parisar,
Pethwadaj, Taluka: Kandhar,
Pethwadaj, Dist: Nanded.

11. Ram Sidram Kendre
Aged: 27 years, Occ: Unemployed,
Residing at: Kendre Niwas,
Venkatesh Nagar, Mukhed,
Taluka: Mukhed, District: Nanded.
12. Ganesh Shankar Chavhan
Aged: 25 years, Occ: Unemployed,
Residing at & Post: Rajanda,
taluka: Barshitakli, District: Akola.
13. Vishal Mohan Matkar,
Aged: 28 years, Occ: Unemployed,
Residing at & Post: Vikhale,
Taluka: Koregaon, District: Satara.
14. Sameer Balaso Londhe
Aged: 25 years, Occ: Unemployed,
Residing at: Village: Miradhe,
Taluka: Phaltan, district: Satara.
15. Sagar Gorakh Mohite
Aged: 27 years, Occ; Unemployed,
Residing at: A/P WAKHARI,
Tal: Phaltan, Dist. Satara.
16. Rajendra Dajiram Galave
aged: 29 years, Occ: Unemployed,

Residing at & Post: Galanewadi,
Taluka: Atpadi, District: Sangli.

(Applicants in OA No.833/2016)

(Applicants by Advocate Sh.V. M. Parkar)

Versus

1. Union of India,
Through Secretary,
Department of Post,
Dak Bhavan, Sansad Marg,
New Delhi-110 001.
2. The Chief Postmaster General,
Maharashtra Circle,
having its office at Post & Telegraph
Office Building, C.S.T. Mumbai-400 001.
3. The Senior Superintendent of Post Offices
Satara Division, havin gits office
Satara-415 001.
(State of Maharashtra)

(Respondents in OA No.833/2016)

(Respondents by Advocate Sh. V. S. Masurkar)

ORDER (O R A L)

Per: R. Vijaykumar, Member (A)

1. Sh. V. M. Parkar, learned counsel appeared
for the applicants in both the OAs.

2. Sh. V. S. Masurkar, learned counsel appeared for the respondents in both the OAs.
3. Heard the learned counsels for the parties.
4. These OAs have been filed under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following reliefs:-

"OA.No203/2017 applicants have claimed the following reliefs:-

- "(a). to allow the original application filed by the applicants;
- (b). to quash and set aside the Memo the result examination of direct recruitment of Postman/Mail held on 29.03.2015 and 03.05.2015 have been cancelled and to hold fresh examination in lieu of thereof; (Annexure A-1, A-3, A-5, A-7, A-9 and A-11)
- (c).to quash and set aside the Memo whereby the services of the Applicants were terminated with effect from 25.11.2016 under sub-rule (1) of the rule 5 of the Central Civil Services (Temporary Services) Rules, 1965; (Annexure A-2, A-4, A-6, A-8, A-10 and A-12)
- (d). to quash and set aside the impugned letter cum communication issued by the Chief Postmaster General, Maharashtra Circle, Mumbai letter No.ADR/2-DR-Allt-Corr/2016 dated 25.11.2016 in respect of the cancellations of the result examination of direct recruitment of Postman/Mail held on 29.03.2015 and 03.05.2015 and to hold the fresh examination in lieu of thereof;
- (e). to order and direct to the Respondents to reinstate the Applicants in their respect destinations as held by the applicants as on 25.11.2016 with all back wages and continuity in services.
- (f). this Hon'ble Tribunal may pass

such other and reliefs as this Hon'ble Tribunal may deem fit and proper;

(g). to award the cost of the Application;"

"OA.No.833/2016 applicants have claimed the following reliefs:-

"(a). to allow the original application filed by the applicants;

(b). to quash and set aside the Memo No.STRDN/ SSP/ Rectt/ Postmen & MTS-2015/ Cancellation/ 2016 dated at Satara the 25.11.2016 whereby the result examination of direct recruitment of Postman/Mail held on 29.03.2015 and 03.05.2015 have been cancelled and to hold fresh examination in lieu of thereof;

(c). to quash and set aside the Memo No.STRDN/ SSP/ Rectt/ Postmen & MTS-2015/ Cancellation/ 2016 dated at Satara the 25.11.2016 whereby the services of the Applicants were terminated with effect from 25.11.2016 under sub-rule (1) of the rule 5 of the Central Civil Services (Temporary Services) Rules, 1965;

(d). to quash and set aside the impugned letter cum communication issued by the Chief Postmaster General, Maharashtra Circle, Mumbai letter No.ADR/2-DR-Allt-Corr/2016 dated 25.11.2016 in respect of the cancellations of the result examination of direct recruitment of Postman/Mail held on 29.03.2015 and 03.05.2015 and to hold the fresh examination in lieu of thereof;

(e). to order and direct to the Respondents to reinstate the Applicants in their respect destinations as held by the applicants as on 25.11.2016 with all back wages and continuity in services.

(f). this Hon'ble Tribunal may pass such other and reliefs as this Hon'ble Tribunal may deem fit and proper;

(g). to award the cost of the Application;"

5. The applicants have challenged the orders

no.B1/MSD/MTS Rectt.2015/PDS/SC-3/2016 dated
25.11.2016 (Annexure A-1) by which the result of
examination for the direct recruitment of
Postman/Mailguard was held on 29.03.2015 and another
examination for MTS was held on 03.05.2015 and
cancelled w.e.f. 25.11.2015. The learned counsels for
the parties submit that the facts and issues in the
aforesaid OAs are identical with the facts and issues
in WP No.12117/2016 titled Prakash Wani and Vs. UOI
and Others, decided by the Hon'ble High Court of
Bombay at Aurangabad Bench in order/judgment dated
03.05.2019. The operative portion of the order dated
03.05.2019 reads as under:

" Order

1. All the Writ Petitions are allowed. The order of cancellation of the entire examination is set aside to the extent of the petitioners herein.
2. The respondents are directed to verify again, whether there are any suspicious circumstances and irregularities in case of the petitioner herein and if no such suspicious circumstances, irregularities or malpractices are found as discussed in the judgment, the selection of the petitioners be restored and further process shall be completed within a period of two months.
3. As far as the petitioners in Writ Petition No.9910 of 2017 are concerned, the respondents shall verify their record as well as if no suspicious

circumstances or malpractices as discussed in the judgment are noted in their individual cases, their appointments shall be restored within a period of two months with 50% backwages.

4. In the facts and circumstances, we do not want to take any cognizance of the contempt. Hence, the Contempt Petition No.663 of 2017 is dismissed.

5. We anticipate the request for stay of this order. Since we are granting time of two months for verification and giving effect to this order, no separate time is required to be given for obtaining stay order from the superior Court.

6. Rule is made absolute in the above terms with no order as to costs.

7. Pending civil applications, if any, stand disposed of."

6. The learned counsels for the parties submit that the present OAs may also be disposed of in terms of the order/judgment dated 03.05.2019 of the Hon'ble High Court of Bombay at Aurangabad Bench in case of **Prakash Wani supra**. However, Shri V.S. Masurkar, the learned counsel for the respondents submits that the respondents are in the process of challenging this judgment dated 03.05.2019 of the Hon'ble High Court of Bombay at Aurangabad Bench before the Hon'ble Apex Court and therefore, the present OA may be disposed of with directions that the parties to the present OA shall be bound by the judgment of Hon'ble Apex Court in the proposed SLP against the order dated

03.05.2019 of the Hon'ble High Court of Bombay at Aurangabad Bench in case of **Prakash Wani supra** to avoid multiplicity of litigation and would benefit applicants in the present OAs as well. However, this proposition of Sh.V.S. Masurkar, learned counsel for the respondents is not acceptable to the learned counsels for the applicants in the present OA. We are of the considered view that once the applicants in the present OA are not agreeable to this suggestion of the learned counsel for the respondents and also when there is no matter pending on date before the Hon'ble Apex Court against the order/judgment dated 03.05.2019 in case of **Prakash Wani (Supra)**, there is no reason or justification to dispose of the OA in terms of the suggestion made by Shri V.S. Masurkar, the learned counsel for the respondents.

7. In the facts and circumstances, and since the judgment of the Hon'ble High Court of Bombay at Aurangabad Bench is binding for this Tribunal, the aforesaid OAs are disposed of in terms of the directions given in the judgment dated 03.05.2019, passed by the Hon'ble High Court of Bombay at Aurangabad and noted in para 10, herein above.

8. In the aforesaid terms, the OAs are disposed of. The pending MAs, if any, also stands disposed of. There shall be no order as to costs.

(Ravinder Kaur)
Member (J)

(R. ~~Vijay~~kumar)
Member (A)

V.

JD
09/7/17

